



Entered on Docket
November 18, 2009

A handwritten signature in cursive script, reading "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com

Fax: 702 258-8787

and

MARK S. BOSCO, ESQ.

Arizona Bar No. 010167

TIFFANY & BOSCO, P.A.

2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016

Telephone: (602) 255-6000

Bank of America, National Association
09-73733

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

William J. Duffy and Debra L. Duffy

Debtor(s).

BK-09-18307-bam

Date: 10/27/2009

Time: 1:30pm

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor Bank of America, National Association, its assignees and/or successors in interest, of the subject property, generally described as 9643 Camino Capistrano, Las Vegas, NV 89147, and legally described as follows:

All those certain parcels of land situate in the County of Clark and State of Nevada, being known and designated as follows:

Parcel I:

Lot 45 in Block 4 of FOOTHILLS - UNIT 4, as shown by Map thereof on file in Book 78 of Plats, page 32, in the office of the County Recorder of Clark County, Nevada.

Parcel II:

A non-exclusive easement for ingress/egress, use and enjoyment over those portions of said Map delineated as "Private Street/P.U.E." and "Common Elements" as shown by Map on file in Book 73 of Plats, page 32, Official Records of the County Recorder of Clark County, Nevada, and further described in that certain Declaration of Covenants, Conditions and Restrictions recorded February 12, 1996 in Book 960212 of Official records as Document No. 00117, Clark County, Nevada.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

IT IS FURTHER ORDERED that in the event a Notice of Default has been recorded against this particular property there can be no sale for sixty (60) days, allowing the Debtor(s) to submit a copy of this Order to the State of Nevada, Foreclosure Mediation Program, and the Order will be construed as an

1 agreement between the Secured Creditor and Debtor(s) that they have voluntarily agreed to a mediation
2 under the Nevada State Foreclosure Mediation Program pursuant to Rule 6 of said program. The necessary
3 information can be accessed at <http://www.nevadajudiciary.us/>.

4 IT IS FURTHER ORDERED there shall be no foreclosure sale held prior to December 28, 2009.

5
6 DATED this ____ day of _____, 2009.

7 Submitted by:

8 **WILDE & ASSOCIATES**

9 By  #107416

10 **GREGORY L. WILDE, ESQ.**

11 Attorney for Secured Creditor

12 208 South Jones Boulevard

Las Vegas, Nevada 89107

13 APPROVED / DISAPPROVED

14 _____
15 Elizabeth R. Deflyer
16 1020 Garces Ave.
Las Vegas, NV 89101
Attorney for Debtor(s)

17
18 APPROVED / DISAPPROVED

19 _____
20 Kathleen A. Leavitt
21 201 Las Vegas Blvd. So., #200
Las Vegas, NV 89101
Chapter 13 Trustee
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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor